

## Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03

NSAE-00 NSC-05 PA-02 PRS-01 SP-02 SS-15 USIA-15 DHA-02

IO-13 AID-05 PC-05 /092 W

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R 141440Z SEP 76

FM AMEMBASSY MONTEVIDEO

TO SECSTATE WASHDC 2149

INFO AMEMBASSY ASUNCION

AMEMBASSY BRASILIA

AMEMBASSY BUENOS AIRES

HQ, USSOUTHCOM, SCJ2

UNCLAS SECTION 1 OF 2 MONTEVIDEO 3412/1

E.O. 11652: N/A

TAGS: PGOV, PINT, UY

SUBJECT: GOU DECREES DEPRIVATION OF POLITICAL RIGHTS

REF: MONTEVIDEO 3254 (DTG 022026Z SEP 76)

THERE FOLLOWS AN UNOFFICIALS TRANSLATION OF CONSTITUTIONAL DECREE  
NO. 4 APPROVED SEPTEMBER 1, 1976 BY PRESIDENT MENDEZ:

"EXECUTIVE POWER

MINISTRY OF THE INTERIOR

MINISTRY OF NATIONAL DEFENSE

CONSTITUTIONAL DECREE NO. 4

MONTEVIDEO, SEPTEMBER 1, 1976

IN VIEW OF:

THE SITUATION CREATED IN THE COUNTRY BY THE WORK OF SUBVERSION AND  
THE INERTIA OF THE POLITICAL PARTIES ON WHOSE LEADERS RESTED THE  
BURDEN OF INSTITUTIONAL DECOMPOSITION WHICH GAVE CAUSE TO THE  
DECREE OF JUNE 27, 1973. CONSIDERING:

1. THAT FROM GOVERNMENT POSTS RESPONSIBLE CITIZENS PERMITTED, WITH  
ACTIONS AND OMISSIONS, REACHING PARTICIPATION IN SOME CASES, THE  
EXTENSION OF THE SUBVERSIVE MOVEMENT WITH THE RESULTING LETTING  
OF INNOCENT BLOOD, THE VIOLATION OF LIBERTIES, CRUMBLING OF SECURITY

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AND ADMINISTRATIVE CHAOS.

2. THAT THIS SITUATION MADE IT OBLIGATORY TO SUSPEND ALL ACTIVITY ON THE PART OF THE POLITICAL PARTIES AND MADE IT NECESSARY TO OUTLAW MARXIST ORGANIZATIONS, THE ONES PRIMARILY RESPONSIBLE FOR THE SITUATION CREATED.

3. THAT IT IS THE FIRM PURPOSE OF THE AUTHORITIES TO RESTORE (NORMAL) POLITICAL LIFE, WHEN CONDITIONS ARE APPROPRIATE, IN A NEW ARRANGEMENT WHICH RECONCILES THE EXERCISE OF SOVEREIGNTY BY THE PEOPLE WITH THE PACE OF RECOVERY OF THE NATION, AND IMPEDES THE PLAY OF PERSONAL INTERESTS OR OF PROFESSIONAL PROSELYTIZING GROUPS WHICH MAKE FUNDAMENTAL (POLITICAL) ACTIVITY AN END IN ITSELF.

4. THAT WITHOUT SEEKING TO ASSIGN RESPONSIBILITY OR TO FORMULATE A PRONOUNCEMENT CONCERNING CERTAIN ACTIONS, ADMITTING THAT IN SOME CASES EVENTS WERE MORE POWERFUL THAN THE REACTIONS OF PATRIOTISM BY INDIVIDUALS, IT BECOMES NECESSARY, IN ORDER TO PREPARE FOR THE INCORPORATION OF NEW GENERATIONS INTO POLITICAL LIFE WITHIN THE TRADITIONAL POLITICAL PARTIES, TO DISPENSE WITH THOSE MEN WHO DID NOT KNOW HOW TO STAY ON TOP OF EVENTS IN ORDER THAT THE SOVEREIGN WILL MIGHT EXERT ITSELF IN THOSE EXACT TERMS THAT SIGNIFY THE REBIRTH OF PUBLIC LAW.

5. THAT IF THE NATIONAL SOVEREIGNTY IS TO BE EXERCISED THROUGH THE ELECTORAL BODY, ONE'S MEMBERSHIP IN ANTI-NATIONAL POLITICAL ASSOCIATIONS AND SUBVERSIVE ORGANIZATIONS BECOMES INCOMPATIBLE (WITH THAT EXERCISE), THUS IT BECOMES NECESSARY TO PREVENT THAT PERSON FROM PARTICIPATING IN ALL POLITICAL ACTIVITY, INCLUDING THE VOTE.

6. THAT THESE NEW MEASURES MAY INCLUDE CITIZENS WHOSE CONDUCT DOES NOT FIT WITHIN THE SCOPE OF THESE MEASURES, AND AN EXAMINATION OF SPECIAL SITUATIONS IS NECESSARY TO EXCLUDE THEM.

7. THAT THE PRESENT CONSTITUTIONAL DECREE TAKES AS A PRECEPT, A SYSTEM OF PROHIBITION OF POLITICAL ACTIVITY BY THOSE COVERED; OBVIOUSLY, VIOLATION OF THIS PROHIBITION WILL BRING JUDICIAL SANCTIONS. THE APPLICATION OF SUCH SANCTIONS FALLS WITHIN THE PRECEPTS OF OUR ADMINISTRATIVE AND CRIMINAL LAW, SO NONE CAN PLEADE IGNORANCE OF THESE SANCTIONS AND WHAT THEY INCLUDE. THUS, LEGALLY, THE VIOLATION OF THIS PROHIBITION SHALL BE SIMILAR TO A CRIME AND WILL BE UNDER THE JURISDICTION OF CRIMINAL JUSTICE.

8. THAT THE NATIONAL SECURITY COUNCIL, IN ITS ROLE AS ORGANIC ADVISOR IN THE PRESERVATION OF NATIONAL SECURITY, HAS RECOMMENDED TO THE EXECUTIVE, THE ADOPTION OF MEASURES WHICH, IN THE FUTURE, WOULD MEET THE OBJECTIVES OF SECURITY AND POLITICAL AND INSTITUTIONAL STABILITY SET FORTH IN THIS DECREE. THE EXECUTIVE POWER,

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IN EXERCISE OF THE POWERS CONFERRED ON IT BY THE INSTITUTIONALIZATION OF THE REVOLUTIONARY PROCESS, DECREES: ARTICLE 1: PROHIBITS, FOR THE TERM OF 15 YEARS, THE EXERCISE OF ALL POLITICAL ACTIVITIES AUTHORIZED BY THE CONSTITUTION, INCLUDING THE RIGHT TO VOTE OF:

A) ALL THOSE CANDIDATES FOR ELECTIVE OFFICE IN 1966 AND 1971 OF MARXIST PARTIES AND PRO-MARXIST POLITICAL GROUPS DECLARED ILLEGAL BY THE EXECUTIVE POWER IN RESOLUTION 1788/67 OF DECEMBER 12, 1967,

AND RESOLUTION NUMBER 1026/73 OF NOVEMBER 26, 1973.

B) ALL THOSE PERSONS PROCESSED FOR CRIMES AGAINST THE NATION. ARTICLE 2: PROHIBITS FOR THE TERM OF 15 YEARS, THE EXERCISE OF ALL POLITICAL ACTIVITIES, AUTHORIZED BY THE CONSTITUTION OF THE REPUBLIC, EXCEPT THE RIGHT TO VOTE, OF: A) ALL THOSE CANDIDATES FOR ELECTIVE OFFICE IN 1966 AND 1971 OF POLITICAL ORGANIZATIONS ASSOCIATE ELECTORALLY WITH THE ORGANIZATIONS MENTIONED IN THE PRECEDING ARTICLE'S SECTION A), WHETHER UNDER THE SAME LEMA OR COMMON SUB-LEMA.

B) ALL THOSE PERSONS WHO WERE PROCESSED FOR CRIMES AGAINST PUBLIC ADMINISTRATION COMMITTED DURING THE EXERCISE OF THEIR POLITICAL DUTIES.

ARTICLE 3: PROHIBITS FOR THE TERM OF 15 YEARS, THE EXERCISE OF ALL POLITICAL ACTIVITIES, AUTHORIZED BY THE CONSTITUTION OF THE REPUBLIC, EXCEPT THE RIGHT TO VOTE, OF:

A) ALL THE CANDIDATES FOR THE PRESIDENCY AND VICE-PRESIDENCY OF THE REPUBLIC, ON THE SLATES FOR THE ELECTIONS OF 1966 AND 1971.

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FM AMEMBASSY MONTEVIDEO

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HQ, USSOUTHCOM, SCJ2

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B) MEMBERS OF THE CHAMBERS OF THE LEGISLATURE ELECTED IN 1966 AND 1971 AND ALTERNATES WHO REPLACED THEM WITH THE EXCEPTION OF THOSE PRESENTLY OCCUPYING POLITICAL POSITIONS AS OF THE PROMULGATION OF THIS DECREE.

C) MEMBERS OF THE DIRECTORATES OF THE POLITICAL PARTIES. ARTICLE

4: CREATES AN INTERPRETATIVE COMMISSION WITH THE MISSION OF PASSING JUDGMENT ON THE CASES OF THE PROHIBITION OF POLITICAL ACTIVITIES ESTABLISHED BY ARTICLE 3 OF THE PRESENT DECREE, WHICH ARE SET FORTH BEFORE IT OFFICIALLY OR, BY REQUEST OF A PETITIONER, PRESENTED WITHIN 90 DAYS OF THE PROMULGATION OF THIS DECREE.

THE COMMISSION WILL BE MADE UP OF THREE MEMBERS: ONE DESIGNATED BY THE EXECUTIVE POWER, WHO WILL PRESIDE, ANOTHER, BY THE COUNCIL OF STATE AND A THIRD BY THE JUNTA OF COMMANDERS-IN-CHIEF.

THE COMMISSION WILL ESTABLISH BRIEF AND CURSORY PROCEDURES: THEIR DECISIONS WILL BE MADE ON THE BASIS OF CONVICTION AND UNANIMITY. THE DECISIONS WILL BE IRREVERSIBLE BY ANY JURISDICTION.

ARTICLE 5: THE EXECUTIVE POWER WILL SUPPLY THE PREMISES AND OTHER ELEMENTS NECESSARY FOR THE FUNCTIONING OF THE INTERPRETATIVE COMMISSION.

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ARTICLE 6: THOSE THAT FALL WITHIN THE PROHIBITION OF POLITICAL ACTIVITIES SET FORTH IN ARTICLES 1, 2, AND 3 OF THE PRESENT DECREE, WHO VIOLATE THE PROHIBITIONS WHICH FOLLOW FROM THEIR PARTICULAR CIRCUMSTANCE, WILL BE LIABLE

A) THOSE CONDUCTING PUBLIC FUNCTIONS, WITH THE SANCTIONS SET FORTH IN LAW NO. 10.388 AND CONCORDANT LEGAL NORMS;

B) THOSE THAT WERE ENJOYING RETIREMENT BENEFITS, WITH THE DEPRIVATION OF UP TO A THIRD OF THE SAME FOR A MINIMUM OF SIX MONTHS UP TO A MAXIMUM OF TWO YEARS.

THE PRECEDING MEASURES ARE TAKEN BY THE EXECUTIVE POWER, CONSIDERING THE SAME WITH REGARD TO ALL ITS EFFECTS, AS ACTS OF THE GOVERNMENT.

ARTICLE 7: THE ELECTORAL COURT, WITHIN THE AMBIT OF ITS JURISDICTION, WILL OVERSEE THE ENFORCEMENT OF THE PRECEDING ARTICLES, GIVING ACCOUNT OF ALL CASES TO THE EXECUTIVE POWER.

ARTICLE 8: COMMUNIQUE, ETC.

EXECUTIVE POWER, MINISTRY OF NATIONAL DEFENSE, MONTEVIDEO, SEPTEMBER 1, 1976 - IN RELATION TO: INSTITUTIONAL ACT NO. 4 OF THIS DATE; CONSIDERING: 1) THAT AN INTERPRETATIVE COMMISSION IS CREATED BY ARTICLE 4 WHICH WILL INCLUDE A MEMBER DESIGNATED BY THE EXECUTIVE POWER; II) THAT THERE EXISTS INTEREST

IN A RAPID PRONOUNCEMENT CONCERNING CITIZENS OF NOTORIETY RELEVANT TO THE PROCESS OF INSTITUTIONAL RESTORATION, THEREFORE: BECAUSE OF THE FOREGOING, THE PRESIDENT OF THE REPUBLIC RESOLVES: ARTICLE 1: TO DESIGNATE THE MINISTER OF THE INTERIOR, GENERAL HUGO LINARES BRUM, PRESIDENT OF THE INTERPRETATIVE COMMISSION, CREATED BY ARTICLE 4 OF THE INSTITUTIONAL ACT 4 AFOREMENTIONED.

ARTICLE 2: COMMUNIQUE, ETC."

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## Message Attributes

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